



## PRESS RELEASE

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### The state of privacy 2017: EDPS provides mid-mandate report

As we approach the mid-point of the current EDPS mandate and continue the countdown to the **General Data Protection Regulation (GDPR)**, the EU must build on current momentum to reinforce its position as the leading force in the **global dialogue** on data protection and privacy in the digital age, the European Data Protection Supervisor (EDPS) said today to the European Parliament's Committee on Civil Liberties, Justice and Home Affairs (LIBE), as he presented his [2016 Annual Report](#).

**Giovanni Buttarelli, EDPS, said:** *"In March 2015 we launched the [EDPS Strategy 2015-2019](#). It outlines three main goals for the current mandate and the actions required to achieve them. Though the **publication of the GDPR** on 4 May 2016 represented a big step towards achieving these goals, our work is far from complete. As we move into the second half of the current EDPS mandate, I intend to ensure that the aims outlined in our Strategy remain at the heart of all our efforts. This is particularly important in our work with the **EU institutions and bodies**, which must set an **example** that others can follow."*

The new EU data protection framework consists of much more than just the GDPR. New **rules for the EU institutions and ePrivacy** are yet to be finalised, and remain a key focal point for EDPS work. As well as providing advice to the legislator on these new rules, the EDPS has started working with the EU institutions and bodies to prepare them for the changes to come. A particular focus of his efforts in 2016 was on promoting **accountability**, a central pillar of the GDPR which it is safe to assume will also be integrated into the new rules for EU institutions and bodies.

**Wojciech Wiewiórowski, Assistant EDPS, said:** *"Accountability means ensuring that organisations themselves take responsibility for demonstrating compliance with data protection rules. To help the EU institutions adapt to the new requirements, in 2016 we launched the [Accountability Initiative](#), designed to equip EU institutions, beginning with the EDPS itself, to **lead by example** in how they comply and demonstrate compliance with data protection rules."*

In 2016, the EDPS also made a considerable effort to help move the **global debate** on data protection and privacy forward and mainstream data protection into international policies. He advised the EU legislator on the **Umbrella agreement** and the **Privacy Shield**, concerning the transfer of data from the EU to the United States, and engaged with data protection and privacy commissioners from every continent. He also continued to pursue new initiatives, such as the [Ethics Advisory Group](#), through which he intends to stimulate global debate on the ethical dimension of data protection in the digital era.

As set out in his Strategy, the EDPS aims to make data protection as **simple and effective** as possible for all involved. This requires ensuring that EU policy both reflects the realities of data protection in the digital era and encourages compliance through accountability. The EDPS intends to ensure that this objective remains a central part of all his efforts throughout the remainder of his mandate, as he continues to work towards achieving his vision of an EU that leads by example in the global dialogue on data protection and privacy in the digital age.

## **Background information**

The rules for data protection in the EU institutions, as well as the duties of the European Data Protection Supervisor (EDPS), are set out in [Regulation \(EC\) No 45/2001](#). The EDPS is a relatively new but increasingly influential independent supervisory authority with responsibility for monitoring the processing of personal data by the [EU institutions and bodies](#), advising on policies and legislation that affect privacy and cooperating with similar authorities to ensure consistent data protection.

**Giovanni Buttarelli** (EDPS) and **Wojciech Wiewiórowski** (Assistant EDPS) are the members of the institution, appointed by a joint decision of the European Parliament and the Council. Assigned for a five year term, they took office on 4 December 2014.

**EDPS Strategy 2015-2019:** Unveiled on 2 March 2015, the 2015-2019 plan summarises the major data protection and privacy challenges over the coming years; three strategic objectives and 10 accompanying actions for meeting those challenges; how to deliver the strategy through effective resource management, clear communication and evaluation of our performance.

**Personal information or data:** Any information relating to an identified or identifiable natural (living) person. Examples include names, dates of birth, photographs, video footage, email addresses and telephone numbers. Other details such as IP addresses and communications content - related to or provided by end-users of communications services - are also considered as personal data.

**Privacy:** the right of an individual to be left alone and in control of information about his or herself. The right to privacy or private life is enshrined in the Universal Declaration of Human Rights (Article 12), the European Convention of Human Rights (Article 8) and the European Charter of Fundamental Rights (Article 7). The Charter also contains an explicit right to the protection of personal data (Article 8).

**Accountability:** Under the accountability principle, EU institutions and bodies put in place all those internal mechanisms and control systems that are required to ensure compliance with their data protection obligations and should be able to demonstrate this compliance to supervisory authorities such as the EDPS.

**Privacy Shield:** In October 2015, the Court of Justice of the European Union ruled that the [Safe Harbour](#) framework was invalid because it did not provide a sufficient level of data protection for personal data transferred by companies from the EU to the U.S. as required by EU law. In February 2016, the EU-U.S. Privacy Shield was announced by the European Commission and the U.S. Department of Commerce as a replacement for Safe Harbour.

The [EU-U.S. Umbrella Agreement](#) covers data transfers across the Atlantic for law enforcement purposes while the EU-U.S. Privacy Shield covers data exchange for commercial purposes.

### **EU Data Protection Reform package:**

On 25 January 2012, the European Commission adopted its reform package, comprising two legislative proposals:

- a general Regulation on data protection which was adopted on 24 May 2016, applicable as of 25 May 2018; and
- a specific Directive on data protection in the area of police and justice, adopted on 5 May 2016, applicable as of 6 May 2018.

The official texts of the Regulation and the Directive are now recognised as law across the European Union (EU). Member States have two years to ensure that they are fully implementable in their countries by May 2018.

The European Data Protection Supervisor (EDPS) is an independent supervisory authority devoted to protecting personal data and privacy and promoting good practice in the EU institutions and bodies. He does so by:

- monitoring the EU administration's processing of personal data;
- advising on policies and legislation that affect privacy;
- cooperating with similar authorities to ensure consistent data protection.

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The [2016 Annual Report](#) is available on the EDPS website. Questions can be directed to:

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**EDPS - The European guardian of data protection**

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